

## ARTICLE I. IN GENERAL

### Sec. 7-1. Definition of zoning ordinance.

For the purpose of this article the term "Zoning Ordinance" shall have reference to Ordinance No. 360 of the city, adopted March 27, 1967, as such ordinance is amended, or to such other zoning ordinance of the city hereafter adopted repealing or replacing such Ordinance No. 360.  
(Code 1961, § 6.5)

**Editor's note**—The zoning ordinance referred to above is not included in this volume but copies are available and may be consulted at the city hall.

### Sec. 7-2. Compliance required.

Any building or structure set up, erected, constructed, altered, enlarged, repaired, removed, demolished, equipped, occupied, converted, moved or maintained contrary to the provisions of this chapter and of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance; and the city attorney shall, upon order of the city manager, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building, or using any premises contrary to the provisions of this article.  
(Code 1961, § 6.6; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

### Sec. 7-3. Violations.

Any person, firm or corporation violating, or causing or permitting to be violated, any of the provisions of any code adopted by this article, as amended, shall be deemed guilty of a misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of such provision of such code is committed, continued or permitted, and upon conviction thereof shall be punishable by a fine of

not more than five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.  
(Code 1961, § 6.7)

## ARTICLE II. ADMINISTRATIVE CODE\*

### Sec. 7-4. Adopted; exceptions; purpose for exceptions.

#### 7-4-01. Adopted:

The code published by the International Conference of Building Officials (ICBO) entitled the 1997 Uniform Administrative Code, hereinafter referred to as the "Administrative Code", by this reference is incorporated herein and hereinafter modified for all matters of administration and enforcement of technical codes embodied in chapter 7, articles II, IV, and V of this Code.

#### 7-4-02. Exceptions.

- (a) Tables 3-A, 3-B, 3-C, 3-D, 3-E, 3-F, 3-G and 3-H.
- (b) Section 304, insofar as it refers to the expected tables not being adopted, all permit fees, surcharges, plan check fees, fees for inspections and re-inspections and all other fees, shall be those established by resolution of the Belmont City Council.
- (c) Section 304.5.2 is hereby amended to read as follows:
  2. *Fee.* An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to five (5) times the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set by resolution of the City Council. The payment of such investigation fee shall not ex-

\***Editor's note**—Section 2 of Ord. No. 754, adopted Nov. 12, 1986, amended art. II to read as set forth in § 7-4, subsections 7-4-01, 7-4-02. The article formerly consisted of § 7-4—7-6 and was derived from Ord. No. 630, § 1, adopted June 26, 1978. See the editor's footnote to this chapter.



empt any person from compliance with all other provisions of this code or the building codes nor from any penalty prescribed by law.

*7-4-03. Purpose for exceptions.*

It is necessary to amend the fee schedules in the adopted codes so that the Master Fee Schedule adopted by Resolution of the Belmont City Council is enforceable as the guide for all building division fees.

(Ord. No. 754, § 2, 11-12-86; Ord. No. 838, § 2, 1-8-91; Ord. No. 899, § 1, 12-18-95; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

**Sec. 7-5. Recordation of a notice of violation.**

(a) Whenever the building official has knowledge of a violation of the provisions of the codes herein adopted by reference he may provide a notice of intent to record a notice of building code violation to the owner of the property upon which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest assessment roll or at any other address of the owner known to the building official. The notice shall state that, within twenty (20) days of the date of the notice, the owner may request a meeting with the building official to present evidence that a violation does not exist.

(b) In the event that a meeting is not requested within the required time period and the violation has not been corrected, or in the event that, after consideration of evidence, the building official determines that a building code violation in fact exists, the building official may record a notice of building code violation in the office of the county recorder.

(c) At the written request of any affected property owner, the building official shall issue a notice of expungement of building code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at their expense. (Ord. No. 838, § 2, 1-8-91; Ord. No. 899, § 12-18-95; Ord. No. 943, § 1, 4-13-99; Ord. No. 945, § 1, 6-22-00)

**Secs. 7-6—7-10. Reserved.**

**ARTICLE III. PROPERTY DEVELOPMENT STANDARDS\***

**Sec. 7-11. All-weather access to premises prerequisite to issuance of building permit.**

(a) No building permit shall be issued to construct any building or improvement unless the site of the proposed building or improvement has access to a street or road which provides all-weather ingress and egress to public safety vehicles, including but not limited to fire protection, police and ambulance services.

(b) This section shall not apply to applications for building permits to make alterations or improvements to an existing building.  
(Ord. No. 630, § 3, 6-26-78)

**Sec. 7-12. Determination of geotechnical hazards; geotechnical reports; procedure for review; geologic hazards in San Juan Hills area.**

(a) Prior to the issuance of a building or grading permit, the building official shall ascertain whether the proposed site, or portion thereof, is located in an area of potential geotechnical hazard as defined in the text and maps of the adopted seismic safety element of the Belmont general plan. If a site meets any one of the following criteria, it shall be considered to have potential geotechnical hazards which warrant further, more specific recommendations:

- (1) The site is located on a mapped active, potentially active or inactive fault;
- (2) The site is located in an area where the following are generally known to exist:
  - a. Expansive soils;
  - b. Moderate to low stability of cuts;
  - c. Fair to poor earthquake stability;
  - d. Fair to poor foundation conditions;
  - e. High susceptibility to landsliding.

\*Editor's note—See the editor's footnote at the beginning of this chapter.



- (3) The site is located in an area where, in the opinion of the building official based upon his knowledge of the conditions in the area, potential geological hazards may exist which could adversely affect the proposed development or surrounding public and private improvements. In making the decision as to whether a site may have potential geotechnical hazards, the building official shall refer to the adopted seismic safety element of the Belmont general plan and may refer to such other published and unpublished documents, including but not limited to the maps and reports of the U.S. Geological Survey, "San Francisco Bay Region Environment and Resources Planning Study."

(b) Should the site, or area to be affected by the development, fall within the above categories, the applicant shall submit a preliminary opinion from a registered soils engineer as to the degree of hazard associated with the proposed development and recommendations where further studies are needed. Should said soils engineer recommend further investigations or studies, they shall be prepared prior to the issuance of a building permit. Any geologic reports submitted to the building official in compliance with this section shall be transmitted to the city geologist, who shall review and provide comments and recommendations upon the adequacy of said report. When the city geologist has determined that the report and recommendations are adequate, said recommendation shall be incorporated into the development plan and specifications, and adherence to those recommendations shall be a condition of the building permit. Such